

REMARKS

This Response is submitted in reply to the Office Action dated October 29, 2009. Claims 26 to 50, 53 and 54 are pending in the present application. Claims 1 to 25, 51 and 52 stand previously canceled. Claim 53 is hereby canceled without prejudice or disclaimer. Claims 26 to 28, 30 to 36, 38 to 47, 49 to 50 and 54 are hereby amended. Claims 26, 32, 34, 38, 42, 44, 47, 49 and 50 are in independent form. Please charge Deposit Account No. 02-1818 for all payments due in connection with this Response.

The Office Action rejected Claims 26, 27, 35, 38 to 41, 44 to 48, 53 and 54 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Publication No. 2002/0151315 to Hendrey ("Hendrey"). The Office Action rejected Claims 28, 29, 36 and 37 under 35 U.S.C. § 103(a) as being unpatentable over Hendrey in view of U.S. Patent Publication No. 2003/0028585 to Yeager ("Yeager"). The Office Action rejected Claims 42, 43, 49 and 50 under 35 U.S.C. § 103(a) as being unpatentable over Hendrey in view of Yeager. In view of the amendments made herein, Applicant respectfully disagrees with these rejections.

Amended independent Claim 26 is directed to a mobile information processor which includes, among other elements, a memory device which stores instructions, which when executed by the processor, causes the processor to: (a) search, in a local area, for an external apparatus which can communicate with the mobile information processor, said external apparatus including identification information; (b) collect said identification information from said external apparatus; (c) acquire user information from a remote user information database based on said collected identification information; (d) transmit, to a service provider, the acquired user information, said service provider being configured to determine whether a communication service can be provided based on said transmitted user information; and (e) in response to a determination that the communication service can be provided based on said transmitted user information, utilize said communication service. Applicant submits that Hendrey does not disclose the combination of the foregoing elements.

Hendrey discloses a client locating and discovery system. The Abstract of Hendrey discloses:

An improved client locating and user discovery system is disclosed. Methods and systems are described that provide the ability for a telecommunications network to frequently update the location data for telecommunications units within the

network, while preventing the performance degradation that is inherent in the prior art. In the patented invention, the most frequently updated data is stored outside the main database in active memory in a tree structure, and is accessed through an API that converts the tree data into a database query language readable format.

The MPC of Hendrey obtains the location data for the mobile unit and publishes this data to other machines. (See Hendrey, paragraph [0092]). The mobile unit of Hendrey sends a request for services to the Gateway computer. (See Hendrey, paragraph [0093]).

Paragraphs [0093] and [0096] disclose, respectively:

A system 4 comprises a database with an implementation of the clouds algorithm. The system consists of at least a processor and permanent and volatile memories. Additional spatial functionalities can be implemented on this system. The database and the clouds algorithm can be stored on the permanent memory, such as on magnetic or optical disk drives. A gateway computer 5 acts as an intermediary between a MU and the Application Server 3 when an MU requests services or applications from the Application Server. This machine is capable of formatting data in a representation that the MU understands. An MU will send its requests for services to the Gateway computer 5, which will act on behalf of the MU for service requests and replies to the Application Server. The Gateway 5 will then format the reply for the MU.

Referring to FIG. 1, a diagram of a system incorporating aspects of this invention is shown. This computer architecture consists of a moving point server 105, an API 103 that stores instructions for accessing the moving point data 106 stored on the moving point server 105, and a database server 101 that stores non-moving point data in a database 102. A database server 101 may be provided to store attribute data about MUs in the system. For example, an MU may in this case be a mobile telephone. For each MU, the attribute data stored on the database server 101 may include the phone number of the MU, the name of the person who owns the MU, an address for the owner, information about the MU owner's calling plan, the user's business type, or any other information demographically related to that user. The data stored in the database server 101 is generally static or non-moving point data in that it is not typically updated frequently. In addition, the database server 101 may also run applications that receive data from MUs making requests for data stored in the database server 101 and the moving point server 105.

Page 3 of the Office Action stated Hendrey discloses:

request a communication service to a service provider based on the acquired user information (See paragraph 0093 note: MU sends the request for services which ultimately end up at the application server, also see paragraph 0096 noting that the database server runs programs that receive request from MUs);

If the Office Action interprets the application server of Hendrey as the service provider of Claim 26, Applicant submits that the application server of Hendrey does not determine whether a communication service can be provided based on transmitted user information which was acquired from a remote user information database based on collected identification information. The application server of Hendrey merely obtains and processes data from one or more Mobile Positioning Centers (See Hendrey, paragraph [0092]). On the other hand, the mobile information processor of Claim 26 includes, among other elements, "a memory device which stores instructions, which when executed by the processor, cause the processor to . . . (d) transmit, to a service provider, the acquired user information, said service provider being configured to determine whether a communication service can be provided based on said transmitted user information; and (e) in response to a determination that the communication service can be provided based on said transmitted user information, utilize said communication service."

If the Office Action interprets: (a) the database server of Hendrey as the service provider of Claim 26; and (b) the attribute data of Hendrey as the user information of Claim 26, Applicant submits that the application server of Hendrey does not determine whether a communication service can be provided based on transmitted user information which was acquired from a remote user information database based on collected identification information. The database server of stores the attribute data. (See Hendrey, paragraph [0096]). This attribute data of Hendrey was not acquired from a remote user information database based on collected identification information of an external apparatus. Additionally, the database server of Hendrey does not determine whether a communication service can be provided based on transmitted user information which was acquired from a remote user information database based on collected identification information. Rather, the database server of Hendrey merely runs "applications that receive data from MUs making requests for data stored in the database server 101 and the moving point server 105." (See Hendrey, paragraph [0096]). On the other hand, the mobile information processor of Claim 26 includes, among other elements, "a memory device which stores instructions, which when executed by the processor, cause the processor to . . . (d) transmit, to a service provider, the acquired user information, said service provider being configured to determine whether a communication service can be provided based on said

transmitted user information; and (e) in response to a determination that the communication service can be provided based on said transmitted user information, utilize said communication service.”

No new matter has been added by such amendments. Support for the amendments can be found in the Specification for example, in at least [0253] to [0256] of the published application.

For at least these reasons, it is respectfully submitted that independent Claim 26 is patentably distinguished over Hendrey and in condition for allowance. Dependent Claims 27 to 31 and 54 depend directly from amended independent Claim 26 and are also allowable for the reasons given with respect to Claim 26 and because of the additional features recited in these claims.

Independent Claims 32, 34, 38, 42, 44, 47, 49 and 50 and 47 each include certain similar elements to independent Claim 26. For reasons similar to those discussed above with respect to independent Claim 26, independent Claims 32, 34, 38, 42, 44, 47, 49 and 50 and 47 (and dependent Claims 33, 35 to 37, 39 to 41, 43, 45, 46 and 48) are each patentably distinguished over Hendrey and Yeager and in condition for allowance.

An earnest endeavor has been made to place this application in condition for formal allowance, and allowance is courteously solicited. If the Examiner has any questions regarding this Response, Applicant respectfully requests that the Examiner contact the undersigned.

Respectfully submitted,

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